

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2003-0523-010-044

vs.

Jean Storey, RN, Lic. No. R11024
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter “the Board”) was presented by the Department of Public Health (hereinafter “the Department”) with a Statement of Charges and Motion for Summary Suspension dated June 9, 2003. Dept. Exh. 1A-3, A-4. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jean Storey (hereinafter “respondent”) which would subject respondent’s registered nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that respondent’s continued nursing practice presented a clear and immediate danger to public health and safety. On July 16, 2003, the Board ordered, pursuant to its authority under § 4-182(c) and § 19a-17(c) of the General Statutes of Connecticut, that respondent’s registered nurse license be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges. Dept. Exh. 1.

The Board issued a Notice of Hearing dated July 16, 2003, scheduling a hearing for August 20, 2003. Dept. Exh. 1A-2.

The hearing took place on August 20, 2003, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. Respondent was present during the hearing and was represented by counsel. Transcript, August 20, 2003, p. 2.

Respondent submitted a written Answer to the Statement of Charges. Resp. Exh. 1.

At the conclusion of the hearing, respondent made a motion that the Board lift the Summary Suspension of respondent’s license. Transcript, August 20, 2003, pp. 183-184. The Board could not act on the motion because a quorum was not present. Transcript, August 20, 2003, p. 184.

On September 3, 2003, the Board considered respondent’s motion and ordered that the Summary Suspension of respondent’s license, ordered on July 16, 2003, be vacated pending the issuance of a final decision in this matter.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued registered nurse license number R11024 on February 7, 1955. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh. 1D; Resp. Exh. 1.
2. Beginning on or about June 19, 2002, E.M. was a patient at Hall-Brooke Hospital, Westport, Connecticut on the adult psychiatric unit. Dept Exh. 1B-2.
3. On or about June 20, 2002 at approximately 11:20 p.m., respondent began her shift as a registered nurse on the adult psychiatric unit at Hall-Brooke Hospital. At the beginning of her shift, respondent made rounds of the unit, took report and then checked the status of the emergency equipment for the unit. Respondent, however, did not document the "emergency equipment checksheet" for the 11:00 p.m. shift. Dept. Exh. 1B4, p. 4-3; Transcript, August 20, 2003, pp. 132-137.
4. During the half hour checks beginning at 12:00 a.m. on June 21, 2002 until 6:00 a.m. on June 21, 2002, patient E.M. was noted as sleeping. Dept. Exh. 1B, p. 3.
5. At approximately 6:00 a.m. on June 21, 2002, respondent was summoned to the E.M.'s room by a mental health worker who found patient E.M. unresponsive with questionable cessation of breathing. Respondent assessed patient E.M., instructed the mental health worker to advise the nursing supervisor to call 911, and to summon the physician on duty. Respondent then began to perform rescue breathing for patient E.M. .Dept. Exh. 1B, p. 4; Transcript, August 20, 2003, p. 146.
6. The policy of Hall-Brooke Hospital requires that in the event of a cardiac or respiratory arrest, a "Code 99" is to be called on the intercom system to summon medically trained personnel and emergency equipment to the scene of the medical emergency. Dept. Exh. 1B5, p.22.
7. Respondent herself did not call a "code 99" nor did she instruct other staff to call a "code 99." Transcript, August 20, 2003, pp. 161, 167-168.
8. Emergency medial services transported patient E.M. to Norwalk Hospital, Norwalk, Connecticut for evaluation following initial emergency treatment which was rendered at Hall-Brooke Hospital. Patient E.M. was breathing without assistance during transport. Dept. 1B, p. 4.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Jean Storey held a valid registered nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Summary Suspension Order, Notice of Hearing, and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 3 of the Statement of Charges alleges on or about June 20, 2002, while working as a registered nurse on the night shift at Hall-Brooke Hospital, respondent provided care to patient E.M. that was below the accepted standards of the nursing profession in one or more of the following ways:

- a. respondent failed to appropriately assess, monitor, evaluate, treat and/or document patient E.M.'s clinical status, including but not limited to, evaluate the patient's vital signs, monitor effects of medication and check on the patient's safety; and/or,
- b. respondent failed to initiate the facility's emergency code procedure; and/or,
- c. respondent was unfamiliar with the location and/or use of the facility's emergency equipment and/or failed to check *and* (emphasis added) sign off for the emergency equipment at the beginning of her shift.

Respondent denies these charges. Resp. Exh. 1.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing ... said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. ...

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following ...
 (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; ...

Based on its findings, the Board concludes that the Department failed to met its burden of proof as to the allegations in Paragraph 3a of the Statement of Charges.

As to paragraph 3b of the Statement of Charges, respondent testified she failed to initiate a "Code 99". The Board concludes that although respondent did not cause the emergency code system to be activated, respondent did take sufficient action to cause emergency medical treatment to be promptly rendered to the patient.

As to paragraph 3c of the Statement of Charges, the board concludes that respondent checked the emergency equipment on her unit at the start of her shift, however, she failed to document the emergency equipment checksheet.

The Board concludes that the Department failed to met its burden of proof by a preponderance of the evidence that respondent's conduct, while working as a registered nurse on the night shift at Hall-Brooke Hospital and while providing care to patient E.M., was below the accepted standards of the nursing profession.

Order

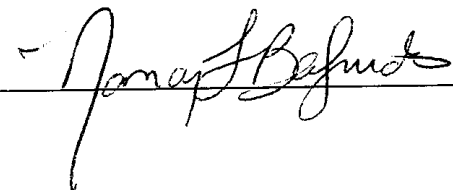
Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That the Statement of Charges dated June 9, 2003, is dismissed.

The Board of Examiners for Nursing hereby informs respondent, Jean Storey, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 4th day of February, 2004.

BOARD OF EXAMINERS FOR NURSING

By 

CERTIFICATION

I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 5th day of February 2004, to:

Jean Storey
1001 Wood Avenue
Bridgeport, CT 06604

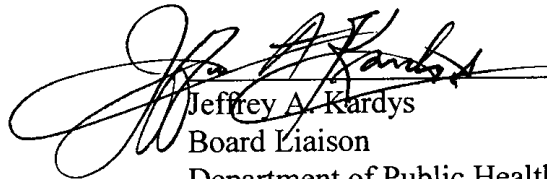
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Jeffrey A. Kardys
Board Liaison
Department of Public Health
Public Health Hearing Office